

Yusuke Nishiguchi

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1 turned the other engine off.

2 Q. Okay. Do you remember which engine you shut
3 down first?

4 A. Probably it was the right engine.

5 Q. Were you following a checklist in doing your
6 shutdown procedures?

7 A. There is no engine-shutdown checklist.

8 Q. With regard to the cockpit voice recorder, do
9 you know if there is a tape or a CD or what is the
10 mechanism in the cockpit voice recorder that's used to
11 record the transmissions or the discussions?

12 A. I do not know about that. Clearly.

13 Q. Let's go ahead and look at your statement,
14 which is Exhibit 11, unless you want to take a break.

15 MR. TURNER: We have been going close to an
16 hour and a half. It probably would be appropriate to
17 take a break.

18 MR. TORPEY: You want to take a break?

19 MR. TURNER: Yes.

20 THE VIDEOGRAPHER: Going off the record. The
21 time on the monitor is 3:28 p.m.

22 (Recess taken.)

23 THE VIDEOGRAPHER: Coming back on the record.
24 The time on the monitor is 3:44. Please begin.

25 MR. TORPEY: Q. Mr. Nishiguchi, the

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1 you taxied prior to the impact in the navigation log;
2 correct?

3 A. No. What I recorded was the block-out time.

4 Q. Was the what time?

5 A. Blocked out time.

6 Q. What does blocked out time mean? Oh, I'm
7 sorry. 18:48 was the time that you were released from
8 the gate; is that correct?

9 A. Yes.

10 Q. Looked out means simply they removed the
11 chocks from the wheels; correct?

12 A. Yes.

13 Q. Now -- I'm sorry. Go ahead.

14 A. That is the time that the aircraft began to
15 move as it is towed by the towing car.

16 Q. And you would have written that down in the
17 nava- -- you or Mr. Yamaguchi would have written that
18 down in the navigation log; correct?

19 A. Yes.

20 Q. Now, the next reference on Exhibit 11 is 1855.
21 You see that?

22 A. Yes.

23 Q. Would that be the point at which you started
24 the taxi?

25 A. Yes.

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1 statement, Exhibit 11, if you would look at that again.

2 A. Yes.

3 Q. We had talked before the break about those
4 time references like 18:48, and that that was, you
5 believed, times that you personally provided to the
6 person taking the statement and that those times were
7 UTC times from the clock on the aircraft. Is that a
8 correct characterization of your testimony?

9 A. Yes.

10 Q. Now, as you were taxiing before the impact,
11 you had no reason to write down -- look at the clock and
12 write down what time events were occurring, and in fact
13 you did not do that; correct?

14 A. Ordinarily, I do write it down.

15 Q. Okay. Where would that information be written
16 down?

17 A. There's a navigation log that we receive
18 through the dispatch, and that is where I would write it
19 down.

20 Q. And that navigation log would have been a
21 document that you would have had with you on that
22 airplane on October 7 of 2003?

23 A. I'm not sure it was me. It was either
24 Mr. Yamaguchi or myself.

25 Q. But either way it would have been written as

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1 Q. And you start the taxi when you are at the
2 engine-start line; correct?

3 A. Yes.

4 Q. And the final time on the statement 19:30 is
5 when you were towed back and actually back at the gate
6 in the chocks or the blocks?

7 A. Yes.

8 Q. Now, if you look at 18:55, do you see that?

9 A. Yes.

10 Q. It says started taxi then contacted ground
11 with 121.8. And then it goes on to give a number of
12 subparts, clearance, talks about during the taxi
13 something happened, approaching spot 10. In fact, there
14 are one, two, three, four, five lines under the time
15 reference of 18:55 where you started to taxi.

16 Do you see that?

17 A. Yes.

18 Q. The time that you did each of those subparts,
19 the time after 18:55, that you do not know; correct?

20 A. Right.

21 Q. Let's talk about the subparts under 18:55. At
22 least with regard to the first one, it says here,
23 started taxi, then contacted ground with 121.8. That
24 would have been a different frequency than the frequency
25 that is used to communicate with ramp control; is that

24 (Pages 90 to 93)

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1 correct?

2 A. Yes.

3 Q. If you go to the next one it says clearance
4 was, and then in a bracket it says, taxi to RWY28L. Do
5 you see that discussion?

6 A. Yes.

7 Q. Do you know why that information, some of it
8 is in a bracket?

9 A. I think I was so instructed, so I wrote it
10 this way.

11 Q. Do you know why you were instructed to write
12 it that way?

13 A. I believe that the portion in the brackets is
14 a quote from the ground.

15 Q. Oh, okay. Understood. So if looking at your
16 statement, Exhibit 11, anything that's in brackets you
17 believe to be a quote from a source other than yourself;
18 is that correct?

19 A. Yes. It is a direct quote from the source.

20 Q. Now, the parts that are not in brackets, that
21 would be the information taken from you; correct?

22 A. No. This is an English translation of my
23 statements.

24 Q. I understand that. But the language that's
25 not in brackets would have been provided by you, albeit

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1 in the Japanese language, and then translated into
2 English, and now appearing on Exhibit 11; is that
3 correct? Let me rephrase it.

4 I guess another way to put it is, would it be
5 fair to say that anything on Exhibit 11 under the time
6 reference 18:48 or 18:55 that is not in brackets, would
7 have been information taken from you, in other words,
8 they're your words translated from Japanese to English?

9 A. Yes.

10 Q. Let's look under 18:55 where it says here
11 during the taxi I continually -- I continuously
12 maneuvered the nose gear on the yellow line except for
13 the very last part.

14 And then the next line says, approaching
15 spot 10, I saw a UAL B777 starting pushout then slowed
16 taxi speed and at the same time deviated to left side of
17 the yellow line for additional clearance to the UAL B77?

18 A. Yes.

19 Q. You say then slowed taxi speed. You're
20 referring to your aircraft, the ANA aircraft; correct?

21 A. Yes.

22 Q. And at the same time deviated to the left side
23 of the yellow line for additional clearance to the UAL
24 B777. Again the deviation to the left you're referring
25 to is a deviation to the left of your aircraft, you

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1 performed a deviation to the left of center; correct?

2 A. No.

3 Q. What are you referring to when you say
4 deviated to the left side of the line for additional
5 clearance to the UAL B777?

6 A. Since I saw the UAL B777 to the right, I
7 deviated to the left side of the yellow line a little.

8 Q. Okay. And what was the reason that you
9 deviated -- strike that.

10 Was the reason that you slowed and deviated to
11 the left of the yellow centerline -- strike that.

12 You say that you slowed and deviated to the
13 left of the yellow line for additional clearance. What
14 did you mean by additional clearance?

15 MR. TURNER: Objection as to form and
16 foundation.

17 THE WITNESS: I'm talking about the clearance
18 or space between the UA aircraft.

19 MR. TORPEY: Q. The space between your
20 aircraft and the United aircraft, is that what you're
21 talking about when you said you deviated from the yellow
22 line for additional clearance?

23 A. The yellow line means centerline of the
24 taxiway, and clearance refers to the space between the
25 two.

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1 Q. Clearance refers to the space between the
2 centerline on the taxiway and the United aircraft? Is
3 that what you're saying?

4 A. I don't understand.

5 Q. By deviating, in other words, turning your
6 aircraft to the left of the centerline, by doing that,
7 you were attempting to create a greater space or
8 clearance, as you call it, between your aircraft and the
9 United aircraft; true statement?

10 A. The clearance means that, but I didn't turn to
11 the left.

12 Q. You inputted a heading change to the left of
13 the centerline; correct?

14 A. No.

15 Q. Now, did you maneuver -- what did you do to
16 deviate -- strike that.

17 What did you do in terms of your piloting the
18 aircraft to direct it to go, as you recall it, deviate
19 to the left side of the yellow line. What did you do?

20 A. Without any big input, the aircraft can
21 deviate a little to the left.

22 Q. Sir, as the flying pilot that day, what
23 control inputs did you impart on that aircraft to make
24 the heading change to deviate to the left of the yellow
25 line?

25 (Pages 94 to 97)

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1 A. I do not have a clear recollection.
 2 Q. Do you have any recollection?
 3 A. Even if one follows the centerline, the
 4 aircraft can deviate several centimeters to the left.
 5 And so it was that degree. The nose gear is about 5
 6 meters below me, so I just have a sense of being -- of
 7 trying to go along the centerline, but one doesn't know
 8 specifically.
 9 Q. Could you hand me that exhibit, please.
 10 Mr. Nishiguchi, let me ask you once again.
 11 A. Yes.
 12 Q. If you look at your statement, it says here
 13 you deviated to the left side of the yellow line for
 14 additional clearance to the UAL 777, and it says that
 15 you did that as you slowed the taxi speed, or at the
 16 same time that you slowed; correct?
 17 MR. TURNER: Objection is to form and
 18 foundation.
 19 MR. TORPEY: Let me rephrase. I'll restate
 20 it.
 21 Q. It says in your statement here that as you
 22 approach spot 10, you saw the United aircraft start to
 23 push out. You stated earlier that you slowed taxi
 24 speed, being your aircraft, and in your statement you
 25 say at the same time you deviated to the left side of

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1 the yellow line for additional clearance to the UAL
 2 Boeing 777.
 3 Is that still a true statement, sir?
 4 A. This is what I said at that point in time.
 5 Q. And at that point in time, that was at most a
 6 day after the accident; correct?
 7 A. I'm not sure.
 8 Q. Well, you're not sure. But the accident
 9 happened on October 7, and this statement is dated
 10 October 8, isn't it, Mr. Nishiguchi?
 11 A. Yes.
 12 Q. Would it be fair to say that since today is
 13 November 28, 2007, and since this accident happened on
 14 October 7, 2003, that your recollection would certainly
 15 have been better on October 8 of 2003 than it is today.
 16 Fair statement, sir?
 17 A. Yes.
 18 Q. Now, in your statement, which you signed, you
 19 understand that this was a statement that was provided
 20 to the National Transportation Safety Board, that's the
 21 U.S. government investigation arm that investigated this
 22 collision at San Francisco Airport.
 23 You understood that; right?
 24 A. Yes.
 25 Q. And in that statement that you signed and

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1 provided to the NTSB, you say that you slowed taxi speed
 2 and at the same time deviated to the left side of the
 3 yellow line for additional clearance to the UAL Boeing
 4 777.
 5 What was your reason for slowing and at the
 6 same time deviating to the left for additional
 7 clearance? What was the reason you felt you needed to
 8 do that?
 9 A. Well, there was an aircraft that was pushing
 10 back from nowhere. I saw this aircraft, so I
 11 reflexively, should I say, deviated to the left of the
 12 centerline. I felt that by applying the brakes I could
 13 see better.
 14 MR. TORPEY: Was the word reflexively?
 15 THE INTERPRETER: Uh-huh.
 16 MR. TORPEY: Q. Mr. Nishiguchi, as the flying
 17 pilot of the aircraft that day --
 18 THE INTERPRETER: Excuse me. Reflex action.
 19 As a reflex action may be better.
 20 MR. TORPEY: Q. Could you restate the answer
 21 then using the correct terminology, please.
 22 THE INTERPRETER: Yes.
 23 THE WITNESS: Well, I saw another aircraft
 24 pushing back from nowhere to the right. I saw this
 25 aircraft, and so as a reflex action, I deviated to the

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1 left to the centerline -- to the left of the centerline.
 2 I thought that if I applied the brakes, I would be able
 3 to see better.
 4 MR. TORPEY: Q. Was there a discussion within
 5 the cockpit before you slowed and deviated to the left
 6 about your doing that, in other words, before you did
 7 it, was there a discussion about doing that?
 8 A. I do not recall.
 9 Q. You don't recall one way or the other?
 10 A. I do not recall whether or not there was a
 11 discussion.
 12 Q. Would you agree with me, if there was a
 13 discussion, that your decision was not a reflex action
 14 but an intentional decision to slow and turn -- slow and
 15 deviate to the left?
 16 MR. TURNER: Objection as to form and
 17 foundation.
 18 MR. TORPEY: Let me just restate the question
 19 in light of the objection.
 20 Q. Mr. Nishiguchi, if it's shown in this case
 21 that there was, in fact -- was, in fact, discussion
 22 within the cockpit before you slowed and deviated to the
 23 left, discussion about your doing that, would you agree
 24 with me that it was not a reflexive action but rather a
 25 conscious decision by you to slow and deviate to the

26 (Pages 98 to 101)

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<p>1 left?</p> <p>2 MR. TURNER: Objection as to form and</p> <p>3 foundation.</p> <p>4 THE WITNESS: That was a long question, and I</p> <p>5 don't understand it.</p> <p>6 MR. TORPEY: Q. What did you mean by a</p> <p>7 reflexive action when you testified earlier?</p> <p>8 A. Rather than a reflex action, I would say it is</p> <p>9 a commonsensical action. The object is to the right, so</p> <p>10 no one would go to the right.</p> <p>11 Q. And the reason, if we get back to this</p> <p>12 statement, the areas -- back up.</p> <p>13 You had 155 passengers on your aircraft on</p> <p>14 October 7 of 2003; correct, sir?</p> <p>15 A. I do not know what the number was. I have</p> <p>16 forgotten.</p> <p>17 Q. You had passengers on your aircraft when you</p> <p>18 taxied on October 7 of 2003; correct, sir?</p> <p>19 A. Yes.</p> <p>20 Q. And you have crew members including yourself</p> <p>21 obviously; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you were departing for a long flight to</p> <p>24 Japan; correct?</p> <p>25 A. Yes.</p>	<p>1 spilled out?</p> <p>2 MR. TORPEY: Q. That wasn't my question.</p> <p>3 Mr. Nishiguchi, as the flying pilot of the ANA</p> <p>4 aircraft on October 7 of 2003, with fuel on that</p> <p>5 aircraft and passengers and crew on that aircraft, isn't</p> <p>6 it true, sir, that when you saw the United aircraft, the</p> <p>7 reason you say in your statement to the NTSB that you</p> <p>8 slowed and at the same time deviated to the left for</p> <p>9 additional clearance, was because you perceived there</p> <p>10 was a potential collision hazard with that United</p> <p>11 aircraft?</p> <p>12 Isn't that a true statement?</p> <p>13 MR. TURNER: Objection as to form and</p> <p>14 foundation.</p> <p>15 THE WITNESS: No. That situation happens</p> <p>16 frequently, so I did not state that I made that move for</p> <p>17 that particular purpose. I did not have a perception of</p> <p>18 a collision. I did not think that there was a</p> <p>19 possibility of collision. I was talking about a</p> <p>20 situation that is quite ordinary.</p> <p>21 MR. TORPEY: Q. Now, Exhibit 11, when you</p> <p>22 signed that, was that a true and accurate statement as</p> <p>23 written?</p> <p>24 A. Yes, I believe so.</p> <p>25 MR. TORPEY: Let's take a five-minute break.</p>
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<p>1 Q. And you were fully loaded with jet fuel;</p> <p>2 correct?</p> <p>3 A. No.</p> <p>4 Q. You did not take on fuel to fly over the ocean</p> <p>5 from San Francisco to Japan?</p> <p>6 MR. TURNER: Objection as to form and</p> <p>7 foundation.</p> <p>8 THE WITNESS: It wasn't fully loaded.</p> <p>9 MR. TORPEY: Q. You had sufficient jet fuel</p> <p>10 on your aircraft in order to fly from San Francisco to</p> <p>11 Japan; correct, sir?</p> <p>12 A. Naturally there was fuel, but it wasn't a full</p> <p>13 tank.</p> <p>14 Q. Jet fuel is very flammable or an explosion</p> <p>15 hazard; correct?</p> <p>16 A. Fuel is flammable, but I don't know if it was</p> <p>17 explosive.</p> <p>18 Q. As a pilot for ANA, do you believe a safety</p> <p>19 hazard would exist to passengers if there was fuel</p> <p>20 spilling out of an aircraft as the aircraft was taxiing.</p> <p>21 Could that pose a safety hazard to passengers and the</p> <p>22 aircraft?</p> <p>23 MR. TURNER: Objection to form and foundation</p> <p>24 and an incomplete hypothetical.</p> <p>25 THE WITNESS: Are you saying that the fuel</p>	<p>1 THE VIDEOGRAPHER: Going off the record. The</p> <p>2 time on the monitor is 4:28 p.m.</p> <p>3 (Recess taken.)</p> <p>4 THE VIDEOGRAPHER: Coming back on the record.</p> <p>5 The time on the monitor is 4:37.</p> <p>6 MR. TORPEY: Marshall, do you have additional</p> <p>7 documents you're producing in response to our deposition</p> <p>8 notice today?</p> <p>9 MR. TURNER: This witness brought with him his</p> <p>10 certificates. Here's a copy. And I have redacted</p> <p>11 training records. Is there an agreement that these</p> <p>12 documents will be subject to the confidentiality order</p> <p>13 in the form directed by Judge LaPorte.</p> <p>14 MR. TORPEY: As I've said many times before, I</p> <p>15 have no problem with that.</p> <p>16 MR. TURNER: I'd like to see it at some</p> <p>17 time --</p> <p>18 MR. TORPEY: I can provide it, if you want --</p> <p>19 if you have more time and you want to take a crack at</p> <p>20 it, you can send it to me. You can --</p> <p>21 MR. TURNER: The judge didn't order me to; she</p> <p>22 ordered you to.</p> <p>23 MR. TORPEY: She didn't have a deadline, so we</p> <p>24 can discuss that.</p> <p>25 MR. TURNER: You can wait forever if you want.</p>

27 (Pages 102 to 105)

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1 MR. TORPEY: Let's see what else you have.

2 MR. TURNER: These are the training records,
3 two pages, last column and second from last column are
4 blacked out, redacted.

5 Just ask the witness, is this his employee
6 number on the upper right-hand corner?

7 THE WITNESS: Yes.

8 MR. TORPEY: Can you tell us what's
9 rediscussed and why you redacted it?

10 MR. TURNER: Those contain comments, personal
11 information, and we consider that to be confidential and
12 subject to the Japan act for the protection of personal
13 information. And as mentioned by Mr. Yamaguchi
14 yesterday, we have obtained a copy of the modification
15 to, I think his term was, a document in the routing
16 manual after the accident, which I do not think is
17 admissible, but it is possibly discoverable.

18 So this is one page dated on the upper
19 left-hand corner 17 October '03, airport briefing,
20 San Francisco, California.

21 MR. TORPEY: So let me get this straight.
22 You're giving us today one page of the routing manual
23 that was asked for previously?

24 MR. TURNER: I don't recall the routing manual
25 ever being asked for.

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1 MR. TORPEY: I see. So the document you're
2 giving me is one page from the routing manual?

3 MR. TURNER: That's what Mr. Yamaguchi
4 yesterday described as the document in the routing
5 manual.

6 MR. TORPEY: For the record, that one says at
7 the top, Airport Briefing 1, dated 17 October of '03.

8 Do you have any other documents you're
9 producing today?

10 MR. TURNER: No.

11 MR. TORPEY: Let me mark -- I don't have a
12 copy of that. Apparently you have some documents that
13 you redacted. I don't have a copy of that.

14 Let me mark all the documents that were just
15 produced as Exhibit 12.

16 (Whereupon, Exhibit 12 was marked for
17 identification.)

18 MR. TURNER: May I see it, please.

19 MR. TORPEY: Q. Mr. Nishiguchi, let me show
20 you what was marked as Exhibit 12, which is all the
21 documents that your counsel handed to me that he was
22 producing today in response to the deposition notice.

23 And can you tell me what these documents
24 consist of.

25 A. The first one is the airline transport pilot

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1 certificate. And next certification number is written.

2 Q. Just tell me the nature of the documents. I
3 don't need you to go through all the information on
4 them.

5 A. The next is a document called ratings and
6 limitations. And the other side of that card is the
7 next page.

8 And this next copy is a copy of the aviation
9 English language proficiency certification, and the next
10 page is a copy of the aviation medical examination
11 certificate. And a copy of the other side.

12 And the next page is a copy of my aviation
13 radio communication license. And the next page is my --
14 is the page giving the scores of my various
15 examinations, and the next page is a continuation of
16 that. And typically there is the airport briefing of
17 San Francisco Airport.

18 Q. The airport briefing document that you just
19 mentioned, is that part of the routing manual?

20 A. Yes.

21 Q. And is that a manual that would have been on
22 the 777 aircraft on October 7 of 2003?

23 A. I do not have a clear recollection. This
24 could have changed.

25 Q. Would there have been a routing manual -- if

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1 that page didn't come from the one that was on the
2 aircraft on October 7 of 2003, would there have been a
3 routing manual on the aircraft on that date?

4 A. I had the most recent and the to-date
5 effective manual at that time.

6 Q. The question though, sir, is, was there a
7 routing manual on your aircraft on the day of this
8 accident?

9 A. The three people who had route manuals were
10 onboard, so as a result it would mean that the route
11 manuals were onboard.

12 Q. The information that's blacked out, what kind
13 of information is that, do you know?

14 A. I do not know. And at the top it is written
15 overall findings, and that's about me.

16 Q. Did anyone ask you whether you agreed to
17 release that information to us?

18 A. No.

19 Q. And do you have any problem with us getting
20 copies of those documents without all the lines blacked
21 out?

22 A. It's okay with me, but there is the company,
23 the judgment that has to be considered.

24 Q. Okay. Let me ask you, earlier in the
25 deposition you indicated that after you -- strike that.

28 (Pages 106 to 109)

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1 You indicated that you made the deviation to
2 the left to attempt to see better. Were you, in fact,
3 able to see better after deviating to the left?

4 A. Perhaps I did not say it the correct way. I
5 didn't deviate or veer to the left to see better. I did
6 so --

7 THE INTERPRETER: The interpreter will
8 restate.

9 THE WITNESS: Perhaps I did not express myself
10 well. I did not deviate or veer to the left to see
11 better. I applied the brakes in order to see better.

12 MR. TORPEY: Q. And after you applied the
13 brakes, were you able to see better?

14 A. Yes.

15 Q. What is it that you were able to see better?
16 Would that have been the United aircraft?

17 A. By lowering speed, I was able to see the
18 United aircraft better and I was able to improve
19 visibility, improve the ability to see all things that
20 were visible or in my visibility.

21 Q. Have you ever heard of the term wing growth?

22 THE INTERPRETER: Wing growth?

23 THE REPORTER: Wing growth.

24 THE WITNESS: No.

25 MR. TORPEY: Q. If you input -- have you ever

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1 applied brake pressure to initiate a heading change
2 while taxiing on the ground?

3 A. Are you inquiring if the heading was changed
4 based on braking?

5 Q. My question to you, sir, is as a pilot, have
6 you ever in being a flying pilot on a 777 inputted a
7 heading change -- strike that. Let me start over.

8 Have you ever inputted a heading change on a
9 777 aircraft by applying brake pressure?

10 A. Yes.

11 Q. And in order -- say you were taxiing along a
12 yellow centerline and you wanted to make a heading
13 change from say 060 degrees to 055. Would you apply
14 left or right brake pressure to do that?

15 A. I'd like those numbers again.

16 THE INTERPRETER: The interpreter will say it
17 in Japanese.

18 MR. TORPEY: Q. 060 to 055.

19 A. I would apply both.

20 Q. You would apply left and right?

21 A. Yes.

22 Q. Would you do anything else?

23 A. No. I wouldn't do anything in particular. I
24 don't know if I have ever changed as much as 5 degrees
25 based on brake pressure alone.

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1 Q. Well, that's why I asked you if you would do
2 anything else, sir. If you pushed both brakes, then
3 you're not going to change heading, you're going to
4 stop, right, or slow?

5 A. It depends on the pressure applied to the
6 brakes -- it depends on the brake pressure.

7 Q. If you were to apply left brake pressure and
8 no brake pressure to the right, can you impart a heading
9 change from 060 to 055 on a 777 aircraft?

10 A. I'm not sure.

11 Q. Let's say you could -- strike that.

12 When you make a heading change while taxiing
13 on the ground, a heading change from 060 to 055, do you
14 know what the direction of movement of the right-hand
15 wing would be during that time frame?

16 A. Would it not move 5 degrees to the left?

17 Q. Well, I'm asking you the question, sir. The
18 question is, do you know even today what the movement of
19 the right-hand wing of a 777 aircraft would be when you
20 impart a heading change from 060 to 055? If you don't
21 know, just tell me.

22 A. I know it will resolve 5 degrees to the left.

23 Q. So in other words, when you say 5 degrees to
24 the left -- would another way to put it be that it
25 translates radially?

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1 A. I'm going to show with my hand movement.
2 Let's say this is the left wing, when the nose goes
3 left, the left wing will move 5 degrees.

4 Q. In other words, it goes -- let me see if we
5 can do this.

6 I admit I'm not an artist. Okay. In a
7 situation -- let me do this.

8 THE VIDEOGRAPHER: Three minutes to tape
9 change, Counsel.

10 MR. TORPEY: Why don't you change it. It
11 would probably be a good idea.

12 THE VIDEOGRAPHER: This concludes Videotape 3
13 in the deposition of Yusuke Nishiguchi. Going off the
14 record. The time is 5:03.

15 (Discussion off the record.)

16 THE VIDEOGRAPHER: Here begins Videotape 4 of
17 the deposition of Yusuke Nishiguchi. Coming back on the
18 record. The time is 5:04 p.m. Please begin.

19 MR. TORPEY: Q. Sir, looking at this drawing,
20 can you tell me which direction this right wing will
21 move when you apply left brake pressure to impart a
22 heading change on a 777 aircraft from 060 degrees to
23 055 degrees? Show me which direction this right wing
24 moves.

25 A. It would move upward by 5 degrees.

29 (Pages 110 to 113)

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1 Q. So in other words, it goes this way; correct?
 2 A. No. It would go diagonally upwards --
 3 Q. No problem. Let me do this.
 4 A. There's an axis in the middle.
 5 Q. We'll draw that. Why don't I hand this to you
 6 and draw what you believe to be the direction of
 7 movement.
 8 MR. TORPEY: Do you have another colored pen?
 9 While he's doing that, why don't we mark that.
 10 (Whereupon, Exhibit 13 was marked for
 11 identification.)
 12 MR. TORPEY: Q. Let me show you what we
 13 marked Exhibit 13. Please draw on here the movement of
 14 the right wing we've been discussing, and you can use
 15 the red pen to do that, please. Do it on the drawing.
 16 Actually, do it on the right wing. Show it.
 17 A. I drew a magnified version, so the degree
 18 there would be about 30 degrees, but the actual movement
 19 degree would be one-sixth of that.
 20 Q. But the direction would be as indicated on
 21 Exhibit 13; correct?
 22 A. Yes.
 23 MR. TORPEY: Thank you very much, sir. I
 24 don't have any other questions.
 25 And I say I don't have any other questions,

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1 but we reserve the right to continue this deposition
 2 once the court rules on the issue of the nonproduced
 3 documents and documents that were produced.
 4 THE VIDEOGRAPHER: Should we go off the
 5 record. This concludes Videotape 4 in the deposition of
 6 Yusuke Nishiguchi. Going off the record. The time on
 7 the monitor is 5:08 p.m.
 8 (Whereupon, the deposition adjourned at
 9 5:08 p.m.)
 10 --oOo--
 11 I declare under penalty of perjury that the
 12 foregoing is true and correct. Subscribed at
 13 _____, California, this ____ day
 14 of _____, 2007.
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CERTIFICATE OF REPORTER

1 I, BRANDON D. COMBS, a Certified Shorthand
 2 Reporter, hereby certify that the witness in the
 3 foregoing deposition was by me duly sworn to tell the
 4 truth, the whole truth, and nothing but the truth in the
 5 within-entitled cause;
 6 That said deposition was taken in shorthand by
 7 me, a disinterested person, at the time and place
 8 therein stated, and that the testimony of the said
 9 witness was thereafter reduced to typewriting, by
 10 computer, under my direction and supervision;
 11 That before completion of the deposition,
 12 review of the transcript was not requested. If
 13 requested, any changes made by the deponent (and
 14 provided to the reporter) during the period allowed are
 15 appended hereto.
 16 I further certify that I am not of counsel or
 17 attorney for either or any of the parties to the said
 18 deposition, nor in any way interested in the event of
 19 this cause, and that I am not related to any of the
 20 parties thereto.
 21 DATED: November 29, 2007.
 22
 23
 24
 25

BRANDON D. COMBS, CSR 12978

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